THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26615 OF 2005

Dt.14.12.2005

Between:

Gundapuneedi Ramanna Dora … Petitioner

And

The Joint Collector, East Godavari

District at Eluru and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of Shop No.24 of G.Medapadu Village, Samalkota Mandal, East Godavari District and he has been allotted SGRY rice for distribution to the persons who produced the coupons. On the allegation that some quantity of rice was supplied to the coupon holders of the neighbouring village which is in contravention of conditions 11 and 13 of the authorisiation, the Revenue Divisional Officer, Kakinada suspended the authorization of the petitioner pending enquiry by order dated 24.8.2005. The petitioner submits that absolutely there is no allegation of misappropriation of essential commodities and the said rice was supplied as per the oral instructions of the authorities only.

In the absence of any misappropriation or serious irregularities, the suspension of authorization may not be just and proper. However, as the appeal is pending before the appellate authority, I am of the opinion that it is not just and proper to consider merits of the case. The suspension order is only pending enquiry and while suspending the authorization by order dated 24.8.2005, a show cause notice was also issued on the same day i.e., on 24.8.2005. As the appeal is pending against the impugned order, I do not find any misappropriation or serious irregularities said to have been committed by the petitioner. Therefore, it is just and proper to grant stay of operation of the impugned order pending disposal of the appeal before the Joint Collector, East Godavari District, Kakinada.

Accordingly, the first respondent is directed to dispose of the appeal itself after giving reasonable opportunity to the petitioner. Till then the impugned order of suspension shall stand stayed and the petitioner is permitted to distribute the essential commodities.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

14.12.2005

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